

#3 - 368C *Section 19*

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It shall be the duty of the presiding officer of each House to put the main question without further debate. June 25, 1948, c. 644, § 1, 62 Stat. 672.

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Library references
United States C-25.
C.J.S. United States § 28.

1. Enjoining electors

Supreme Court was without jurisdiction to enjoin presidential electors elected by Democratic Party of Alabama from casting their votes for a candidate other than the Democratic national nominee after the 1948 general election to fill the office of President of the United States. *State v. Albritton*, 1948, 37 So.2d 640, 261 Ala. 422.

S 18. Same; parliamentary procedure at joint meeting

While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. June 25, 1948, c. 644, § 1, 62 Stat. 672, amended Sept. 3, 1954, c. 1263, § 3, 68 Stat. 1227.

Library references: United States C-25; C.J.S. United States § 28.

1954 Amendment: Act Sept. 3, 1954. Legislative History: For legislative history and purpose of Act Sept. 3, 1954, see 1954 U.S.Code Cong. and Adm.News, p. 3991.

X § 19. Vacancy in offices of both President and Vice President; officers eligible to act

(a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, Secretary of Transportation.

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(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President. June 25, 1948, c. 644, § 1, 62 Stat. 672, amended Sept. 9, 1965, Pub.L. 89-174, § 6(a), 79 Stat. 669; Oct. 15, 1966, Pub.L. 89-670, § 10(a), 80 Stat. 948; Aug. 12, 1970, Pub.L. 91-375, § 6(b), 84 Stat. 775.

Library references: United States ~~C-35~~; C.J.S. United States §§ 35, 37, 62-64.

X **1970 Amendment.** Subsec. (d) (1). Pub.L. 91-375 struck out "Postmaster General," following "Attorney General." **1966 Amendment.** Subsec. (d) (1). Pub.L. 89-670 added the Secretary of Transportation following the Secretary of Housing and Urban Development in the enumeration of officers designated to act as President.

1965 Amendment. Subsec. (d)(1). Pub.L. 89-174 included the Secretary of Health, Education, and Welfare and the Secretary of Housing and Urban Development in the list of officers eligible to act as President when there is no President pro tempore to act as President.

Effective Date of 1970 Amendment. Amendment by Pub.L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub.L. 91-375, set out as a note preceding section 101 of Title 29, Postal Service.

Effective Date of 1966 Amendment. Amendment of section by Pub.L. 89-670 effective 90 days after the Secretary of Transportation first takes office, or on any earlier date after Oct. 15, 1966, as the President prescribes and publishes in the Federal Register, see section 15(a) of Pub.L. 89-670, set out in the note under section 1651 of Title 40, Transportation.

Effective Date of 1965 Amendment. Amendment of subsec. (d)(1) of this section by Pub.L. 89-174 effective upon expiration of first period of sixty calendar days following Sept. 9, 1965 or on earlier date specified by Executive order, see section 11(a) of Pub.L. 89-174, set out as a note under section 624 of Title 5, Executive Departments and Government Officers and Employees.

Legislative History: For legislative history and purpose of Pub.L. 89-174, see 1965 U.S.Code Cong. and Adm.News, p. 3011. See, also, Pub.L. 89-670, 1966 U.S. Code Cong. and Adm.News, p. 3362; Pub.L. 91-375, 1970 U.S.Code Cong. and Adm.News, p. 3049.

§ 20. Resignation or refusal of office

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered in to the office of the Secretary of State. June 25, 1948, c. 644, § 1, 62 Stat. 672.

Library references: United States ~~C-33~~; C.J.S. United States §§ 35, 37, 62-64.

§ 21. Definitions

As used in this chapter the term—

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners of the District of Columbia.

Added Pub.L. 87-389, § 2(a), Oct. 4, 1961, 75 Stat. 820.